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\*E-FILED - 11/30/05\*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA-SAN JOSE DIVISION

DONNA TRUJILLO,

Plaintiff.

vs.

SAN JOSE STATE UNIVERSITY POLICE,  
et al.,

Defendants.

No. C05-01253-RMW

**STIPULATION AND ORDER  
CONTINUING DEFENDANTS' NOTICE  
OF MOTION AND MOTION TO DISMISS –  
FRCP RULES 12(b)(6) & 4(m)**

Defendant Trustees of the California State University, incorrectly sued herein as San Jose State University Police, and related individual Defendants Chief of Police Andre Barnes, Sergeant Amado Ramirez, Officer Brad Beavers, Officer Michael Barnes, Officer Brad Wong, Security Officer Manual Ledesma, and Patricia Breivik, and Plaintiff, Donna Trujillo, through their attorneys of record, hereby stipulate and request that the hearing on said Defendants notice of motion to dismiss plaintiffs first amended complaint and the case management conference, both currently scheduled for December 2, 2005 at 9:00 and 10:30 a.m., respectively, be continued for an additional 90 days. This request is based on said parties' inability to submit this matter to mediation until late January or mid February,

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2006 due to scheduling conflicts of the representatives with authority who are required to attend.

DATED: November 28, 2005

GAVIN & CUNNINGHAM

By /s/  
Alan F. Hunter, Esq., Attorneys for Defendants

DATED: November 28, 2005

FITZPATRICK, SPINI & SWANSTON

By /s/  
David S. Spini, Attorneys for Plaintiff

### ORDER

Pursuant to the stipulation of the parties, Defendants Motion to Dismiss, previously scheduled for December 2, 2005, is hereby rescheduled to March 3, 2006 at 9:00 a.m. The Case Management Conference is rescheduled to March 3, 2006 at 10:30 a.m.

Dated: November 30,, 2005

/s/ Ronald M. Whyte  
Ronald M. Whyte  
United States District Judge